

**Chapter 246-366 WAC and Chapter 246-366A WAC  
State Board of Health School Environmental Health and Safety Rules**

**Supplemental Proposed Rule Filed as WSR 09-14-136, July 1, 2009**

**Public Comments Received by August 5, 2009**

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4	Web Comments: (1) Anonymous and (2) Debra Fulton

1

**From:** Martin Mueller  
**Sent:** Monday, July 27, 2009  
**Subject:** RE: School Rule: OSPI reference

In principle, I have no problems with this. In practice, I don't know that we want to have principals listed as required recipients, given the difficulties maintaining an accurate distribution list. And, we can't reliably assure that we can correspond with 100% of our approved private schools electronically (and we have no database at all of non-approved private schools). So, maybe some softening of the language, with the inclusion of "to the extent possible"?

**WAC 246-366A-003 Implementation.**

**(2) (c) The office of superintendent of public instruction shall forward, to the extent possible, the notice of implementation electronically to school districts, ~~school principals~~ and approved private schools.**

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July 28, 2009

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JUL 31 2009

WA STATE BOARD OF HEALTH

Mr. Craig McLaughlin  
Executive Director  
Washington State Board of Health  
101 Israel Rd SE  
P.O. Box 47990  
Olympia, WA 98504-7990

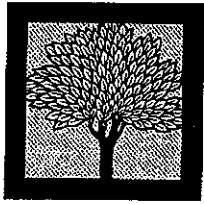
Dear Mr. McLaughlin:

I recently reviewed the CR-102 that the State Board of Health filed for the Proposed Environmental Health & Safety Standards for Primary and Secondary Schools (the "Proposed Rules") on July 1, 2009. I read both Alternative A and Alternative B, and I generally understand the provisions. However, there is one aspect of Alternative B that I do not understand.

Under Alternative B, if no specific funding is provided and if the budget proviso in the 2009-11 operating budget simply expires, when will the Proposed Rules be implemented? My understanding is that Alternative B allows the Board of Health to adopt the Proposed Rules this August and to make them effective prior to any legislative action. But the Board of Health could not implement the Proposed Rules until legislative action is taken. New Proposed WAC 246-366A-003(1)(b) states that implementation may occur upon "expiration of statutory restrictions on implementation." Does this mean that if the Legislature does not take action during the current biennium, then the Proposed Rules will be implemented on July 1, 2011, the day after the budget proviso expires? Or will Proposed WAC 246-366A-003(3)(a) control, and if the Legislature does not take action, then the Proposed Rules would be implemented on September 1, 2012? Please clarify the Board of Health's position on this issue so that we may better prepare for the August Board meeting.

Sincerely,

Debra M. Fulton  
Executive Director, Support Services



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WA STATE BOARD OF HEALTH

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Mary Lindquist, President  
Mike Ragan, Vice President  
John Okamoto, Executive Director

August 3, 2009

Washington State Board of Health  
101 Israel Road S.E.  
P.O. Box 47990  
Olympia, WA 98504

Dear Washington State Board of Health members,

I encourage you to pass the School Environmental Health and Safety Rules, which you have been working on updating for many years. The Washington Education Association and our members continue to support the passage of these rules to support better working and learning environments for the staff and students of Washington State.

WEA provided testimony in support of these rules during the 2009 Legislative Session and we will continue to do so during the 2010 session. We understand all too well the severity of the state budget deficit and the impact it has had on all areas of education. Knowing that the Legislature has placed serious restrictions on your ability to implement the rules in a timely fashion does not negate the need for their passage. Passage of the rules now allows school districts to become familiar with the new requirements and prepare for changes once the Legislature approves funding.

We understand the differences between passing the published "Option A" and "Option B" and realize you will likely come up with a merged option at the August 12, 2009 meeting. We support you in this effort so the rule implementation goes smoothly once fully funded by the Legislature. Amending the CR103 annually until there is funding, makes much more sense than leaving a door open allowing for interpretation of the effective date of the rules.

Once again, I commend you on this huge undertaking of revising the School Environmental Health and Safety Rules. WEA has appreciated being included in the process and we will continue to support the passage of the rules and the funding to implement them in a timely manner.

Sincerely,

Mary Lindquist  
President  
Washington Education Association

DOCUMENT 552				
Title		Description		
Chapter 246-366 WAC Primary Secondary Schools and Environmental Health and Safety Standards Alternative B		Significant Legislative Analysis- Alternative B		
Author org	Author	Author EMail	Start Date	Deadline
State Board of Health	school.rule@doh.wa.gov	school.rule@doh.wa.gov	July 14,2009	August 5,2009

Comment(s)			
Concor	Commentator	comment date/time	e-mail
False	offshore development center	July 27,2009 (Monday) 06:23AM	via123@i.ua
	Everything is perfect. No comments		
False	Debra Fulton	August 4,2009 (Tuesday) 03:45PM	fultondm@mukilteo.wednet.edu
<p>In Alternative B is is difficult to discern when the implementation of the rule would become effective under different sets of circumstances. My understanding is that Alternative B allows the Board of Health to adopt the Proposed Rules this August and to make them effective prior to any legislative action. But the Board of Health could not implement the Proposed Rules until legislative action is taken. New Proposed WAC 246 366A-003(1)(b) states that implementation may occur upon "expiration of statutory restrictions on implementation." Does this mean that if the Legislature does not take action during the current biennium, then the Proposed Rules will be implemented on July 1, 2011, the day after the budget proviso expires? Or will Proposed WAC 246-366A-003(3)(a) control, and if the Legislature does not take action, then the Proposed Rules would be implemented on September 1, 2012? After talking to staff, it is my understanding that if the Legislature chooses to fund a protion of the rule, that portion would go into effect within a month or two of funding availability, but if the budget proviso is lifted without choosing to fund any or all of the requirements, the rule would be implemented 14 months later. Does my understanding reflect the Board's intent? And further, we remain concerned about the implementation of these regulations without sufficient funding. Thank you.</p>			